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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,481	11/28/2001	Christy R. Martin	11345.032002	2343

22511 7590 07/20/2004

OSHA & MAY L.L.P.
1221 MCKINNEY STREET
HOUSTON, TX 77010

EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,481

Applicant(s)

MARTIN ET AL.

Examiner

Ting Zhou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The applicants' claim of priority over Provisional Application No. 60/250,350, filed on 1 December 2000 has been noted.

Drawings

2. The drawings are objected to because the following reference characters are not labeled in an appropriate descriptive manner: Figures 1A and 1B and reference character "808" in Figure 8C need to be labeled with adequate descriptions so the user can clearly identify the object referred to by the reference character.

3. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al. U.S. Patent 6,268,849.

Referring to claim 1, Boyer et al. teach a portal comprising a display connected to the remote terminal for displaying an arrangement of cells (displaying a program listing guide over the Internet) (column 2, lines 23-31 and 55-57 and Figure 9), each cell comprising a visual object and an underlying application (each cell, or grid in the program listing displays a visual object, such as text description KNICKS VS. BULLS 43:42, shown by reference character "650" in Figure 9, and an underlying application, or the currently running program the grid is associated with; for example, the grid represented by reference character "650" is associated with the broadcasted basketball game between the Knicks and the Bulls), and a user input device for inputting user inputs to select one of the cells (users can select individual grids of program listings) (column 9, lines 57-67 and column 12, lines 28-60), wherein the cells include one cell having at least some characteristics determined at the broadcast center (for example, grids displaying program listings display the appropriate television program received via a television signal) (column 5, lines 38-58) and another cell having at least some characteristics determined

in accordance with data stored at the terminal (for example, cells can display data stored in the media library such as video clips and related interviews and reviews from previously televised sporting events and also, real-time data received can be embedded within the television program listing) (column 4, lines 6-11 and 50-67).

Referring to claim 2, Boyer et al. teach the cells include one or more dynamically changing cells (dynamic data received can be embedded in the corresponding televised event in progress and therefore, dynamically changing the grids; for example, the grid KNICKS VS. BULLS 43:42 shown by reference character "650" in Figure 9 dynamically changes as the score of the game changes) (column 4, lines 44-67).

Referring to claim 3, Boyer et al. teach the cells include one or more context-sensitive cells (for example, the information displayed in each grid of the display depends upon the user's selection of how he wants to display the various program listings; for examples, the cells will display different information depending upon if the user wants to display the program listings by time, channel, etc.) (column 8, lines 50-62).

Referring to claim 4, Boyer et al. teach a method comprising receiving a plurality of programs (television program listing information) (column 2, lines 23-28 and Figure 9), continuously monitoring data indicative of characteristics of the received programs (monitoring the arrival of dynamic data related to program listings) (column 4, lines 44-48), generating a portal comprising cells containing current video of at least some of the received programs (the received programs can contain multimedia information such as video stills, video images, etc.) (column 3, lines 1-8, column 4, lines 44-54 and column 13, lines 4-10) and organized based on the characteristics of the received programs (the program listings can be organized based on

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different categories the programs belong to; for example, sports, time, channel, etc. can be categories by which program listing are displayed) (column 8, lines 50-62), and dynamically re-organizing the cells when the monitored characteristics of one or more of the received programs change (dynamic data received can be embedded in the corresponding televised event in progress and therefore, dynamically redisplaying the grids; for example, the grid KNICKS VS. BULLS 43:42 shown by reference character "650" in Figure 9 dynamically changes as the score of the game changes) (column 4, lines 44-67).

Referring to claim 5, Boyer et al. teach the cells are organized based on the themes of the received programs (the programs can be displayed according to categories; for example, sports can be the category, or theme by which programs listings are displayed) (column 8, lines 50-62).

Referring to claim 6, Boyer et al. teach the cells are associated with applications (each cell is associated with an underlying application, or the currently running program the grid is associated with; for example, the grid represented by reference character "650" in Figure 9 is associated with the broadcasted basketball game between the Knicks and the Bulls).

Referring to claim 7, Boyer et al. teach the cells are organized into pages and the cells on each page are associated with received programs having common characteristics (program listings can be organized into a plurality of different pages so that each page displays programs that are of a common theme; for example, as shown in Figure 13, the user can select to display a page of program listings belonging to the "Movies" theme and the corresponding page displayed is shown in Figure 14) (column 11, lines 2-19).

Referring to claim 8, Boyer et al. teach the cells on each page are associated with received programs having the same theme (for example, the cells displayed on the page shown in Figure 14 all have the common theme of being movies) (column 11, lines 2-19).

Referring to claim 9, Boyer et al. teach the cells are organized into pages and each page has a plurality of zones of cells, the cells in each zone being associated with received programs having common characteristics (in the page displaying programs that are under the theme "Movies" shown in Figure 14, the page further has a plurality of zones, such as the time of day like "EARLY", "MORNING", etc. and the day of the month by which to display the program listings; for example, if the user selects the zone "MORNING", the received programs shown during that time period is displayed; the same is applied for displaying the movies that are shown for a particular channel) (column 11, lines 8-29).

Referring to claim 10, Boyer et al. teach the cells in each zone are associated with received programs having the same theme (for example, the program listings displayed if the user selects the zone "MORNING" all have the same theme of being movies shown during the morning time period) (column 11, lines 8-29).

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods for displaying program listing cells in a portal.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

23 June 2004


BAHUYNH
PRIMARY EXAMINER